

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (CAMDEN)	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2N Harold Kaplan, Esq. HK-0226	CASE NO.: 19-10776-ABA CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Susie Lorrenza Alston, aka Susie Lorrenza Alston-Brisbane Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2N ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 17), and states as follows:

1. Debtor, Susie Lorrenza Alston, filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 14, 2019.
2. Secured Creditor holds a security interest in the Debtor's real property located at 3 DELAHAYE RD, LINDENWOLD, NJ 08021, by virtue of a Mortgage recorded on December 15, 2006 in Book 08415, at Page 0801 of the Public Records of Camden County, NJ. Said Mortgage secures a Note in the amount of \$164,000.00.
3. The Debtor filed a chapter 13 plan on February 17, 2019.
4. The Plan fails to include treatment of Secured Creditor's claim. The subject property and claim are, however, listed in Debtor's schedules indicating that the debtor is a partial owner. Secured Creditor objects to the Plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.

5. The Plan fails to mention the payments toward the Note and Mortgage with Secured Creditor. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage as \$23,343.43 and total debt as \$137,221.12. In addition, pursuant to the loan documents, the regular monthly mortgage payment due is \$1,130.59 which is not allocated for on Schedule J of the Debtor's schedules. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed as Secured Creditor objects to any plan which proposes to pay it anything less than pre-petition arrearage of \$23,343.43, and a monthly mortgage payment of \$1,130.59, as periodically adjusted over the life of the plan.
6. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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CERTIFICATION OF SERVICE

1. I, Harold Kaplan, represent U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR LEHMAN XS TRUST MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-2N in this matter.
2. On 3/13/2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

3/13/2019

RAS Citron, LLC
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Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Harold Kaplan
Harold Kaplan, Esquire

NJ Bar Number HK-0226
Email: hkaplan@rasnj.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Susie Lorrenza Alston 3 Delahaye Road Lindenwold, NJ 08021	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Isabel C. Balboa Chapter 13 Standing Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)